

U. STATES ceeding farther, or to proceed with his cause, at once,
 v. to the Supreme Court, passing by the Circuit Court.—
 GOODWIN, But it appears not to have been the policy of the legisla-
 ———— ture at that time, to subject the decisions of the District
 Court, in civil cases at common law, to more than one
 re-examination in an appellate Court.

WHELAN

1812.

v.

Feb. 20th.

THE UNITED STATES.

Cases of sei- THIS cause standing so late on the docket that it was
 zure upon wa- not likely to be called for trial at this term, DALLAS, for
 ters navigable the United States, suggested the propriety of assigning
 from the sea, a particular day for the hearing, as it was a case of im-
 by vessels of portance, and involved a question of jurisdiction, viz
 more than whether a seizure of a vessel, on waters navigable from
 ten tons bur- the sea for vessels of ten and more tons burthen, for
 then for breach of the laws of the United States, *was to be tried by a*
 of the laws of jury. This question was said to be important because
 the U. S. are civil cases of admiralty and maritime ju-
 admiralty and risdiction, and the judge of the district of Pennsylvania had refused to
 maritime ju- are to be tried try any cases of that kind, until the question was final-
 risdiction, and ly settled by this Court.
 without a jury.

The Court accordingly assigned a day for bearing that question, but intimated an opinion that it was already decided in the cases of the *Vengeance* 3. *Dall.* 297.—*The Betsy and Charlotte*. 4. *Cranch*, 443. and *Featon v. United States*, 5. *Cranch*, 281.

E. TILGHMAN, for the Appellant, after looking into those cases, abandoned the question as to jurisdiction, considering the cases cited as conclusive against him.

THE COURT, (all the judges being present,) said that the question had been certainly settled in this Court, upon full argument.